RAJYA SABHA

Thursday, the 12th December, 2002/21 *Agrahayana, 192A (Saka)*

The House met at eleven of the clock,

MR. CHAIRMAN in the Chair.

ORAL ANSWERSTO QUESTIONS

*321 *[The questioner (Shri Kailash Joshi) was absent. For answer page 371.]*

न्यायालय में मुकदमा चलाने के लिए केन्द्रीय जांच ब्यूरो द्वारा अनुमति मांगा जाना

322. **श्री कपिल सिब्बल:**
श्री राजीव रंजन सिंह 'ललन':

क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि .

(क) क्या यह सच है कि सरकार के पास ऐसे अनेक मामले विचारधीन पड़े हैं जिनमें जांच – ब्यूरो द्वारा न्यायालयों में मुकदमा चलाने हेतु अनुमति मांगी गई है;

(ख) यदि हां, तो सितम्बर, 2002 तक ऐसे मामलो की संख्या कितनी थी; और

(ग) सरकार ने 1999, 2000,2001 के दौरान और 2002 में सितम्बर माह तक कितने-कितने में अपनी स्वीकृति प्रदान की है ?

कार्मिक, लोक-शिकायत तथा पेंशन-मंत्रालय में राज्य मंत्री (श्रीमती वसुन्धरा राजे) : से (ग) इस बारे में विवरण सदन के पटल पर रखा जा रहा है ।

विवरण

(क) और (ख) केन्द्रीय अन्वेषण-ब्यूरो के अनुसार, सितम्बर 30, 2002 को मौजूद के मुताबिक, 264 मामलों में मुकदमा चलाने की मंजूरी दिए जाने के 273 अनुरोध लम्बित इनमें, केन्द्रीय सरकार के विभागों / प्राधिकारियों और राज्य-सरकारों के प्राधिकारियों के पास चल रहे उपर्युक्त विषयक अनुरोध भी शामिल हैं ।

(ग) उन मामलों की कुल संख्या नीचे दर्शाई जा रही है जिनमें वर्ष 1999, वर्ष 2000 और उससे आगे सितम्बर, 2002 तक की अवधि के दौरान मुकदमा चलाए जाने की मंजूरी दी गई;-

1999	2000	2001	2002
			(सितम्बर30,2002 तक)
192	260	277	240

ऊपर दर्शाए गए आंकड़ो में, केन्द्रीय सरकार, राज्य-सरकारों और सार्वजनिक क्षेत्र के उपक्रमों के सरकारी कार्मिको के संबंध में दी गई मुकदमा चलाए जाने की मंजूरियां शामिल हैं ।

Permission sought by CBI to file court cases

†*322. SHRI KAPIL SIBAL:††
SHRI RAJIV RANJAN SINGH lALAN':

Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that a large number of cases are pending under consideration of Government for which Central Bureau of Investigation had asked for permission to file court cases;

(b) if so, the number of such cases till September, 2002; and

(c) the number of cases in which Government have granted its approval during the years 1999, 2000, 2001 and till September, 2002?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI VASUNDHARA RAJE): (a) to (c) A Statement is placed on the Table of the House.

Statement

(a) and (b) According to the Central Bureau of Investigation (CBI) as on 30th September, 2002,273 requests for sanction for prosecution in 264 cases were pending.This includes requests pending with Central Government Departments/Authorities and State Government Authorities.

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†Original notice of the question was received in Hindi.
†The Question was actually asked on the floor of the House by Shri Kapil Sibal.

(c) The total number of cases in which Sanction for Prosecution had been granted during the years 1999,2000 onwards up to September 2002 is indicated below:—

1999	2000	2001	2002 (till 30.9.2002)
192	260	277	240

The figures indicated above include all sanctions granted in respect of Government officials belonging to Central Government, State Governments and Public Sector Undertakings.

SHRl KAPIL SIBAL: Mr. Chairman, Sir, I am a little disappointed with the reply given by the hon. Minister because the question that I have put is relating to the number of cases pending under consideration of the Government. The reply given by the hon. Minister is about the number of cases *qua* Government servants that are pending. The question was not *qua* Government servants. There are complaints against the public servants as well. Public servants are not Government servants. So, the entire reply is not in tandem with the question that I have put and this, I do not expect from the Govemment.

MR. CHAIRMAN: Should 1 postpone the question?

SHRI KAPIL SIBAL: Sir, please, no. Let the hon. Minister give the entire list and then I shall put my supplementary.

SHRIMATI VASUNDHARA RAJE: I can reply to this. Actually, the sanction for prosecution is needed only in the case of public servants, including the Government servants, employees of the PSUs, bank employees, Ministers, Members of Parliament and MLAs. It is not needed for private individuals. And the figure of 273 includes pending requests for sanction in respect of Ministers, Members of Parliament, Government employees of all categories — A, B, C and D — employees of the PSUs, bank employees and the employees of the State Governments. I do not have the break-up right now.

SHRI KAPIL SIBAL: Mr. Chairman, Sir, it is not correct. Under the prevention of Corruption Act, there is a sanction provision even *qua* public servants. The sanctioning authority is different. If the accused is a Government servant, the sanctioning authority is the employer. If he is a public servant, the sanctioning authority is not the

employer, It is different. So, the hon. Minister is not correct. So, the hon. Minister must clarify.

SHRIMATI VASUNDHARA RAJE: Sir, the hon. Member is a very eminent lawyer. We understand that. If he is splitting hair, I will be happy to postpone this question. In the light of the question, as we understood it, we have tried our best to give him the reply in the fullest.

SHRI KAPIL SIBAL: Sir, we appreciate her trying very hard to reply to the question. But, unfortunately, it is not an accurate reply. May, through you, I request the hon. Minister to tell us the total number of cases pending for sanction —*qua* public servants and the Government servants. *Qua* Government servants, the reply is here. But, *qua* public servants, the .reply is not here. We know. Sir, that there are several cases pending with the CBI where even cognisance is not taken by the CBI. You are aware, as to how the CBI is of late prevaricating on some issue. So, we would like that to come on record.

Shrimati VASUNDHARA RAJE: We have never said otherwise. The figure 273 includes all public servants.

SHRI KAPIL SIBAL: Sir if it includes, I can put my supplementary. Sir, the hon. Minister says that 273 cases include public servants as well. My supplementary, through you, Mr. Chairman, Sir, is, this. Under the Vineet Narayan judgement, as the hon. Minister is aware, the CVC has to be constituted into a statutory authority and the Supreme Court rendered this judgement long ago. No decision has yet been taken by the Government on this.This is the mandate of the Supreme Court and this mandate has to be implemented. So, I would like the hon. Minister to tell us as to why this has not been done so far and why the judgement of the Supreme Court has not been followed and within wh'at time would the judgement of the S.C. implemented.

SHRIMATI VASUNDHARA RAJE: Sir, this question is, regarding the Central Bureau of Investigation, and sanctions for prosecutions.

SHRI KAPIL SIBAL: Mr. Chairman, Sir, the reason why the Supreme Court rendered this judgement was because it considered the CBI not to be acting in an impartial manner. I will just read one sentence. "The Central Government shall take measures necessary to ensure that the CBI functions effectively and efficiently, and is

viewed as a non-partisan agency." This is why the Supreme Court had said, 'you make the CVC a statutory authority, which will oversee all investigations of CBI'. So, when the Government is not granting sanctions, the CVC will ensure that sanction is granted and the case is proceeded, and this is why I am putting this question. It is directly related to the question that I have already put. So, will the hon. Minister respond to it?

SHRIMATI VASUNDHARA RAJE: Sir, even now. the CVC reviews the overall functioning of vigilance administration and mechanism of the Government Departments to include sanctions pending with various competent authorities, for sanction of prosecution. It has advised the administrative Ministries/Departments to refer such cases to CVC within 30 days from the date of receipt of the report from CBI. Hence, sanctions for prosecution are being reviewed by CVC regularly. This is how t have understood the question.

SHRI KAPIL SIBAL: Mr. Chairman. Sir. I think I have not been able to deliver the point. I would request the hon. Minister to, at least, respond to me in writing, at a later point of time, as to what is the commitment of the Government on the constitution of a statutory authority.

श्री संजय निरूपम: सभापति महोदय, मैं माननीय मंत्री जी से एक खास केस के बारे में पूछना चाहूंगा ?

श्री सभापति: आप खास केस के बारे में मत पूछिए।

श्री संजय निरूपम: नही पूछ सकता तो मैं बैठ जाता हूं।

**323. (The questioner (Shri Vijay J. Darda) was absent. For answer vide page 38.]*

**324. [The questioner (Shri Bachani Lekhraj) was absent For answer vide page 40.]*

Revenue sharing between BSNL and VSNL

*325. SHRI GAYASINGH†:
SHRI .V.RAGHAVAN:

W\\\ the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether an agreement has been reached between BSNL and

†The question was actually asked on the floor of the House by Shri Gaya Singh.